

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

TAVARES L. FREEMAN, JR.,

Petitioner,

v.

DANIEL SPROUL,

Respondent.

Case No. 24-CV-02585-SPM

ORDER DISMISSING CASE

McGLYNN, District Judge:

On December 18, 2024, Petitioner Freeman's IFP Motion was denied for failing to provide a certified copy of his inmate trust fund account statement. (Doc. 5). He was provided the opportunity to submit a properly completed motion on or before January 7, 2025, and was warned that failure to comply would result in dismissal of the action. *Id.*

To date, Freeman has failed to pay the filing fee or file a proper IFP Motion. Therefore, this action is **DISMISSED without prejudice** for Freeman's failure to prosecute. *See* FED. R. CIV. P. 41(b); *Sperow v. Melvin*, 153 F.3d 780, 781 (7th Cir. 1998). The Clerk is **DIRECTED** to close this case and enter judgment accordingly.

Freeman's obligation to pay the filing fee for this action was incurred at the time the action was filed, thus the filing fee of \$5.00 remains due and payable. 28 U.S.C. § 1915(b)(1); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998). The agency having custody of Freeman is directed to remit the \$5.00 filing fee from his prison trust fund account if such funds are available. To facilitate the remittance, the Clerk

is further **DIRECTED** to send a copy of this Order to the Trust Fund Officer at Marion U.S. Penitentiary upon entry of this Order.

IT IS SO ORDERED.

DATED: January 10, 2025

s/ Stephen P. McGlynn
STEPHEN P. McGLYNN
U.S. District Judge